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DE RUEHUB #0327/01 1561139
ZNR UUUUU ZZH
O 051139Z JUN 09
FM USINT HAVANA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4451
RHEFHLC/DEPT OF HOMELAND SECURITY WASHINGTON DC IMMEDIATE
RUEHPNH/NVC PORTSMOUTH 0036
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE

UNCLAS HAVANA 000327

DEPT FOR CA/FPP
DEPT PASS TO KCC
POSTS FOR FRAUD PREVENTION MANAGERS

SIPDIS

E.O. 12958: N/A
TAGS: [KFRD](#) [CVIS](#) [SMIG](#) [CPAS](#) [CMGT](#) [ASEC](#) [CU](#)
SUBJECT: FRAUD SUMMARY Q CUBA

Ref: (A) 08 State 00844 (B) HAVANA 142

COUNTRY CONDITIONS

¶1. Although initially optimistic that Raul Castro's formal assumption of power might bring significant improvements to their lives, the economic and political reality on the ground continues to drive many Cubans either to the Interests Section or more unacceptably, the high seas, in any hopes for emigration. Over 20,000 Cuban immigrant visas and paroles were issued in FY2008 in compliance with the 1994 US-Cuba Migration Accords, with the number of petitions filed in FY08 alone tripling as a result of the Cuban Family Reunification Program (CFRP). CFRP provides fast-track status for Cubans currently awaiting a non-current immigrant visa case. In conjunction with Spain's new nationality law (see paragraph 10), these programs have resulted in new opportunities for legal migration. Between 2009 and 2011, a quarter of a million Cubans out of a total population of 11 million will either legally emigrate or acquire a second nationality. With much of the Cuban public still eager to leave the island, significant incentive still exists for illegal migration to the US for those who do not qualify via legal migration procedures. END SUMMARY.

¶2. The level of consular fraud at Post is medium. Although Post believes the market for fraudulent civil documents is growing, the Cuban government's stringent controls on the exit visa process and the country's general reputation for the stringent policing of its citizens result in lower levels of corruption than elsewhere in the Caribbean.

NIV FRAUD

¶3. There is little large-scale fraud among Post's NIV applicants. Most applicants are senior citizens who have family in the United States. Younger people who might otherwise be inclined to apply for a visa to facilitate a permanent stay in the United States are often deterred from applying by Post's high refusal rate for such applicants. The MRV application fee, which is the equivalent of five months wages for most Cubans, effectively places a U.S. visa application out-of-reach for many Cubans, especially the large percentage with no access to hard currency.

¶4. A validation study recently conducted by the NIV unit of B1 issuances pointed out both successes as well as causes for concern. The study, conducted with DHS assistance, determined a B1 overstay/adjuster rate of 3.49 percent for the Aug 2007-Aug 2008 time period. However, DHS has alerted post that religious ministers previously issued numerous B-1 visas are using R-1 visas obtained in the United States as a method of circumventing CubaQs lengthy Security Advisory Opinion process and its one entry visa.

¶5. Post has also recently attempted to curb the use of B1/B2 visas by the families of African diplomats after recognizing patterns of behavior inconsistent with legitimate tourist travel. In one particularly egregious case, a family member affiliated with the Congolese embassy made over 15 trips to the US in a four-month period. The results of an RSO investigation concluded that these diplomats were in fact engaging in the sale in Cuba of US-origin goods in violation of US economic sanctions against the island. Subsequent visa applications for these individuals have been denied.

IV FRAUD

¶6. Post continues to see a high incidence of fraud involving K and Immediate Relative (IR and CR) visa applications. The dismal results of a 2006 K-1 validation study confirmed USINTQs anecdotal evidence that approximately 38% of issued applicants did not marry their petitioning fianc after arrival in the US. As a result, post initiated mandatory Lexis-Nexis searches on all K-1 applicants to combat fraud and sends roughly 1/3 of all K cases back to the US for revocation. The IV unit has seen a significant drop-off in fianc visa interviews scheduled in FY09, and hopes to continue avoiding spurious K petitions by combating mala-fide applicants while managing the necessary increase in back-office investigations of these cases.

¶7. Post expects to fill the vacant Fraud Prevention LES position during FY 09. One IV/P locally contracted employee is assigned to the FPU on a part-time basis.

DV FRAUD

¶8. Post has begun to scrutinize DV cases in which the primary applicant marries after receiving notification of a successful DV entry. Recent cases of what appear to be marriage fraud and mala-fide supporting documentation have led the FPM to pursue more stringent methods of document verification (see paragraph 16).

ACS AND PASSPORT FRAUD

¶9. Travel restrictions prohibiting most Americans from visiting Cuba limit the demand for ACS services. American citizens requesting a replacement passport generate the greatest volume of citizenship work, and rarely pose a problem involving fraud. Even cases involving Cubans making claims for American citizenship are usually quickly

resolved without any suspicion of fraud.

¶10. Recent changes in Spain's citizenship and nationality laws may affect Cuban migration patterns over time. The Spanish government has announced that all Cuban citizens with at least one documented Spanish-born grandparent are eligible to receive Spanish citizenship. The Spanish Embassy in Havana expects approximately 150,000 Cubans to take advantage of this program, which was implemented in December 2008. Since Spanish passport holders may enter the United States without a visa under the Visa Waiver Program, there may be an increase in Cuban-born Spanish citizens arriving in the U.S. and attempting to adjust status under the Cuban Adjustment Act.

ADOPTION FRAUD

¶11. Cuba does not permit adoption of its citizens by foreign nationals.

USE OF DNA TESTING

¶12. Post uses DNA testing in IV and CRBA cases in which evidence of a biological relationship cannot be sufficiently supported by other evidence. In general, US law does not allow American citizens to spend more than 14 days in Cuba under an authorized OFAC license. Therefore, post sees a relatively small number of cases in which DNA exams are required to establish a relationship that could not have been sufficiently supported by other evidence.

ASYLUM AND OTHER DHS BENEFIT FRAUD

¶13. Post continues to work with DHS stateside in confirming the legitimacy of Cuban civil documents. DHS continues to receive claims of Cuban birth from a number of migrants crossing the Mexican border, replete with Cuban birth certificates to facilitate residency. Recent checks on average have shown one-third to half of the current DHS civil document submissions to post to be fraudulent.

ALIEN SMUGGLING, TRAFFICKING AND TERRORIST TRAVEL

¶14. Organized trafficking organizations based in Florida continue to attempt to smuggle significant numbers of migrants to the United States each year. In recent years, the majority of Cuban migrants reaching the United States have come through Mexico. USINT is becoming increasingly concerned as this route is attracting migrants from further afield. In the last month, two American citizens have been detained by the Cuban authorities on suspicion of smuggling Chinese migrants to the US and Mexico through Cuba. While migrant flows declined significantly in FY 08 (Ref B), the smuggling of undocumented migrants to the United States remains a serious problem.

DS CRIMINAL FRAUD INVESTIGATIONS

¶15. In Havana, the RSO Section provides investigative assistance to the Consular Section on an as-needed basis. Since the last fraud summary

submitted, RSO has assisted interview applicants who provided questionabQdocuments, applicants who appear to have obtained either an appointment or appearance notice outside of established procedures, and LCN employees who may have tried to assist applicants in various ways. Given the lack of bilateral relations, RSO does not have an established mechanism to work law enforcement investigations with the GOC. (see paragraph 17)

HOST COUNTRY PASSPORT, IDENTITY DOCUMENTS AND CIVIL
REGISTRY

¶16. As mentioned previously, post is increasingly concerned with document fraud, specifically as it relates to the large number of Cuban parole cases adjudicated at post. Because of the lack of cooperation with Cuban government authorities for verification purposes, HavanaQs FPM has sought to strengthen ties with other interested parties. Recent positive developments in this area have led to one-on-one meetings with the Canadian EmbassyQs fraud prevention team as well as an upcoming visit to the Mexican Embassy to determine what further measures the FPM and USINT in general can make in confirming the validity of birth, marriage and divorce certificates.

COOPERATION WITH HOST GOVERNMENT AUTHORITIES

¶17. The United States does not have diplomatic relations with Cuba. The GOC actively seeks to frustrate USINTQs efforts to carry out many aspects of its daily work. Post occasionally receives cooperation from working-level Cuban law enforcement officials in helping resolve ACS cases with immigration implications. However, the lack of systematic cooperation severely hampers the work being conducted by USINT, which is by far the largest issuer of visas out of diplomatic posts in Cuba. For example, Italian counterparts have confirmed their ability to verify documents by sending them directly to MINREX, assistance which would be much welcomed by post in its efforts to combat fraudulent activity.

¶18. Post continues to enhance cooperation with colleagues by attending and sharing information within a multi-embassy fraud prevention working group. PostQs FPM has found this an especially invaluable tool in developing working-level relationships with colleagues who share similar overlap in Cuban fraud issues, such as the Mexicans and Canadians, but who otherwise might hesitate to meet with USINT officials privately due to GOC intransigence. Strong continued interest and cooperation led the British Embassy to host the groupQs next meeting in May.

AREAS OF PARTICULAR CONCERN

¶19. Questions about the political and economic future of Cuba abound; their resolution will likely impact the scale of Cuban migration to the United States. Post remains vigilant to the possibility that any number of dramatic political or economic developments could lead to a mass migration crisis similar to the 1994 Balsero (QRafterQ) Crisis or the 1980 Mariel Boatlift.

STAFFING AND TRAINING

¶20. Anita Lyssikatos is Havana's FPM. She is assigned concurrently to the IV/P Unit as a line officer, which allows her to attend to the fraud portfolio on a part-time basis only. She has completed PC-541 Fraud Prevention for Consular Managers at FSI as well as the distance learning courses PC544 Detecting Fraudulent Documents, PC 128 Detecting Imposters, and PC 545 Examining US Passports.

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